

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN REMI PLOUFFE,

Defendant.

CR 08-02-M-DWM

CR 19-51-M-DWM

ORDER

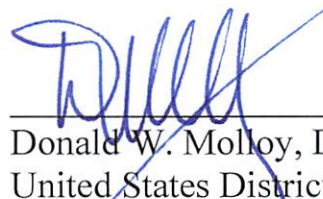
On July 28, 2023, United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendations with respect to the disposition of the revocation proceeding from the June 21, 2023 petition for revocation of Nathan Remi Plouffe's supervised release. (Docs. 104, 116.) The petition alleged one violation, the failure to attend sex offender treatment appointments on three occasions as required by the conditions of his supervised release. (*See* Doc. 104.) Plouffe admitted the allegations in the petition and Judge DeSoto found that be a preponderance of evidence, he committed the violation of his supervised release as alleged. (*See* Doc. 116 at 2.) Judge DeSoto recommends that supervised release be revoked and that this Court sentence Plouffe to a custodial sentence of 10 months, not to be followed by a term of supervised release.

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto's conclusion that the defendant violated the condition of his release in the manner set forth in the petition, and that the defendant's supervision should be revoked, the Court adopts those findings and recommendations. (*See* Doc. 116.)

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendations, (Doc. 116), is ADOPTED IN FULL.

IT IS FURTHER ORDERED that the defendant's supervised release is revoked. Judgment will be entered by separate document.

DATED this 15<sup>th</sup> day of August, 2023.

  
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Donald W. Molloy, District Judge  
United States District Court